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Convention on the Rights of Persons with Disabilities

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English
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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Mexico*

A. Purpose and general obligations (arts. 1–4)

General obligations (art. 4)

1. Please provide updated information on the measures being taken by the State party to revise and harmonize existing legislation, both at the federal and state levels, with the Convention. Please also indicate the policies and programmes introduced to implement the Convention.

2. Please indicate what measures the State party has taken to inform the public, including indigenous peoples, about the General Act on the Inclusion of Persons with Disabilities and possible inconsistencies between this Act and existing legislation on this subject in each state in the Republic.

3. Please indicate when the State party will implement the National Programme for the Development of Persons with Disabilities for 2014–2018, the term of office of the current Administration, and how activities will be coordinated between public institutions in following on from the 2009–2012 National Programme.

B. Specific rights

Equality and non-discrimination (art. 5)

4. Please indicate when the State party plans to incorporate the denial of reasonable accommodation as a form of discrimination on grounds of disability in its anti-discrimination legislation.

Women with disabilities (art. 6)

5. Please provide information on specific measures taken by the State party to combat the aggravated discrimination suffered by women and girls with disabilities, particularly in relation to violence and abuse. Please indicate what specific steps have been taken to provide them with legal and social protection and to make reparations.

* Adopted by the Committee at its eleventh session (31 March–11 April 2014).

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6. Please provide information on the situation of women and girls with disabilities in the State party and whether measures have been taken to prevent and combat the multiple forms of discrimination they face, including on the grounds of race, gender, social status and disability.

Children with disabilities (art. 7)

7. What protocols are in place for the recording, inspecting and monitoring conditions in shelters and other temporary accommodation for children with disabilities who have been the victims of crime or abandoned, or in respect of whom parental authority or guardianship is being disputed?

Awareness-raising (art. 8)

8. Please provide information about the measures taken by the State party to monitor and combat media campaigns, programmes and messages that violate the dignity of persons with disabilities and reinforce stereotypes, such as the Telethon campaigns.

9. Given the State party's multi-ethnic and multicultural population, please indicate what action has been taken to raise public awareness of rights under the Convention, particularly among members of ethnic groups and groups with a distinct cultural identity.

Accessibility (art. 9)

10. What monitoring, compliance and sanction mechanisms has the State party implemented to ensure to persons with disabilities access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, at both the state and municipal levels?

Equal recognition before the law (art. 12)

11. Please explain what steps the State party has taken to revise and repeal civil legislation declaring persons with disabilities legally incapable, with a view to abolishing guardianship and legal means of declaring a person legally incompetent, and procedures for declaring or certifying "incapacity".

12. Please explain what measures the State party has adopted to promote the legal regulation of the system for supported decision-making so that persons with disabilities can fully exercise their legal capacity, and what steps have been taken to revise the *pro homine* principle and its legal interpretation, in accordance with article 12.

Access to justice (art. 13)

13. Please provide information on whether, in implementing the new criminal justice system, special measures have been introduced to guarantee the rights and due process safeguards of persons with psychosocial and intellectual disabilities.

14. Please explain what kind of procedural and age-related accommodations are in place to facilitate access to justice for persons with disabilities. Please also indicate what reasonable accommodations are provided to ensure that persons with disabilities have access to the judicial and administrative systems, including indigenous justice systems, particularly in relation to information and communication (such as the use of sign language, pictograms, alternative communication, bimodal systems for blind-deaf persons, guide-interpreters, Braille, hearing loops and radiofrequency systems) in courtrooms and other public areas.

15. Please explain what measures the Mexican Government has taken to ensure that a human rights-based approach is taken in the administration of justice for persons with disabilities by those working in this area (such as the police, public prosecutors, lawyers and public defenders, court staff, judges and prison staff), at the federal, state and municipal levels.

Liberty and security of the person (art. 14)

16. Please explain what specific measures the State party has taken to reform the regulations currently governing psychiatric committal (official Mexican standard 025-SSA2-1994), which does not provide for judicial oversight of the committal process or for a periodic review mechanism.

17. Please explain the criteria and protocols for authorizing committal, especially of persons with intellectual and/or psychosocial disabilities, and say whether these processes and the institutions involved are subject to periodic review by a competent authority.

18. What legislative, administrative and judicial measures is the State party taking to ensure that nobody is placed in an institution against their will on grounds of disability? Please provide information on the number of public and private closed institutions for persons with disabilities, such as psychiatric hospitals, shelters and asylums, and the number of persons in those institutions.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

19. Please explain what specific action the State party is taking to prevent, punish and eradicate abuse against persons with psychosocial disabilities in psychiatric institutions, including physical and sexual abuse and inhuman and degrading treatment, such as the use of chemical, physical and mechanical restraints and extended confinement.

Protecting the integrity of the person (art. 17)

20. Please provide information about the specific measures taken by the State party to protect persons with disabilities from forced sterilization and, in particular, to prevent the practice of forced abortion for women and girls with disabilities. Please also provide information on independent monitoring mechanisms to protect the right to integrity of the person of persons with disabilities and their composition and role and programmes and measures adopted by those bodies.

Liberty of movement and nationality (art. 18)

21. Please provide information on steps taken by the State party to ensure that children with disabilities are registered at birth and have identity documents.

Living independently and being included in the community (art. 19)

22. Please provide information on measures adopted by the State party at the local level to introduce inclusive community services, the programmes implemented and on how persons with disabilities have been involved.

Respect for home and the family (art. 23)

23. Please indicate what steps the State party has taken to amend its legislation so as to recognize the right of persons with disabilities to have a family and what, if any, concrete support is provided to parents with disabilities in meeting their responsibilities in bringing up their children.

Education (art. 24)

24. Please provide updated information on the legislative measures and programmes developed by the State party since 2008 to guarantee the right to inclusive education, including teacher training and in-service training, at the state and municipal levels.

25. Please provide data on the total percentage of students enrolled in mainstream schools and special schools in the period 2008–2013, disaggregated by sex, age, language and disability.

Health (art. 25)

26. Please provide information on steps taken by the State party to bring the Health Act in line with the Convention and on specific efforts to guarantee universal access to services and programmes for persons with disabilities.

27. Please provide information on measures carried out for the effective implementation of the reforms to the Health Act in relation to mental health, as published in the *Official Gazette* of 15 March 2013, especially with regard to guaranteeing the right to live in the community for persons with psychosocial disabilities.

Participation in political and public life (art. 29)

28. Please provide information on the measures taken by the State party to amend article 266, paragraph 5, of the Federal Code of Electoral Institutions and Procedures, which provides that: "In no circumstances shall persons who are not in possession of their mental faculties be granted access to polling stations".

Participation in cultural life, recreation, leisure and sport (art. 30)

29. Please provide information on measures adopted by the State party to ensure that cultural, recreational, leisure, sports and tourism facilities are accessible to persons with disabilities, including children with disabilities, and on accessibility measures incorporated into the tender process for public works and tied public funding.

30. Please indicate when the State party intends to sign and ratify the World Intellectual Property Organization (WIPO) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations

Statistics and data collection (art. 31)

31. Please indicate the measures adopted by the National Council for Persons with Disabilities (CONADIS) in coordination with the National Institute of Statistics, Geography and Information Technology (INEGI) for the development of a national information system on persons with disabilities and its sectoral implementation in public policy.

International cooperation (art. 32)

32. Please provide information on the use made of resources obtained by the State party through international cooperation for the implementation of the Convention, and in what way persons with disabilities and their representative organizations participate in the design, development and evaluation of the projects funded.

National implementation and monitoring (art. 33)

33. Please indicate when the national mechanism to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities, for which 33 public bodies for the defence and protection of human rights were designated on 21 February 2011, will become operational.